

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA, *et al.*, *ex rel.*  
ADAM LAFERRIERE,

Plaintiffs,

v.

Case No. 1:17-cv-0095

ENCORE REHABILITATION SERVICES,  
LLC, *et al.*,

Hon. Janet T. Neff  
United States District Judge

Defendants.

---

**AMENDED**  
**ORDER**

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the *qui tam* provisions of the False Claims Act, 31 U.S.C. § 3730(b)(1), and analogous state law, the United States, the Named Plaintiff States, and Relator Adam LaFerriere (“Relator”) filed a Stipulation of Partial Voluntary Dismissal (“Stipulation”). Upon consideration of the Stipulation, and the papers on file in this action,

**IT IS HEREBY ORDERED:**

1. Consistent with the terms of the March 31, 2020 Amended Settlement Agreement executed by the United States, Encore Rehabilitation Services, LLC, and Relator (the “Settlement Agreement”), all claims asserted on behalf of the United States against Encore Rehabilitation Services, LLC and Encore Preakness, Inc. (collectively, “Encore”) concerning the Covered Conduct as defined in Paragraph D of the Settlement Agreement are dismissed with prejudice to the United States and with prejudice to Relator;
2. All remaining claims against Encore by Relator asserted on behalf of the United States are dismissed without prejudice to the United States and with prejudice to Relator;

3. All claims against Encore by Relator asserted on behalf of the Named Plaintiff States are dismissed without prejudice to the Named Plaintiff States and with prejudice to Relator.

4. All claims against defendants in this action other than Encore are dismissed without prejudice to the United States, the Named Plaintiff States, and Relator.

5. This dismissal is without prejudice to Relator's claim to reasonable attorneys' fees, costs, and expenses pursuant to 31 U.S.C. § 3730(d).

6. The Court shall retain jurisdiction to adjudicate, if necessary, Relator's claim to reasonable attorneys' fees, costs, and expenses pursuant to 31 U.S.C. § 3730(d).

7. This dismissal is without prejudice to Relator's claim, if any, for a share of the proceeds of the Settlement Amount (as defined in the Settlement Agreement) pursuant to 31 U.S.C. § 3730(d).

8. The Court shall retain jurisdiction to adjudicate, if necessary, Relator's claim, if any, to a share of the proceeds of the Settlement Amount pursuant to 31 U.S.C. § 3730(d). This Order does not waive or otherwise affect the ability of the United States or any other person to contend that provisions in the False Claims Act, including 31 U.S.C. §§ 3730(b)(5), 3730(d)(3) and 3730(e), bar Relator from sharing in the proceeds of the settlement. The adjudication and/or resolution of such claim will not impact this dismissal Order.

9. The Relator's Complaint (Dkt. No. 1), the United States' Notice of Election to Intervene In Part for Purpose of Settlement and Decline in Part and Request to Extend the Seal Period to Complete the Settlement, proposed Order, and any Order entered by the Court with respect to that notice, the Named Plaintiff States' Notice of Election to Decline Intervention, any Order entered by the Court with respect to that notice, and the Stipulation of Dismissal and this

Order shall be unsealed. All other filings prior to the date of this Order in this matter shall remain under seal and not made public.

10. As of the date of this Order, the seal is lifted in this matter, and future filings shall not be made under seal.

**SO ORDERED** this 14th day of May, 2020.

/s/ Janet T. Neff  
JANET T. NEFF  
UNITED STATES DISTRICT JUDGE